



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 12 2007

REPLY TO THE ATTENTION OF

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sean Wolf, Vice President
Wolf Paving Co., Inc.
612 N. Sawyer Road
Oconomowoc, Wisconsin 53066

Re: Finding of Violation
Wolf Paving Co., Inc.
Geneseo, Wisconsin

Dear Mr. Wolf:

This is to advise you that the U.S. Environmental Protection Agency (EPA) has determined that Wolf Paving Co., Inc. (Wolf or you) at Highway 18 and County Road C, Geneseo, Wisconsin, is in violation of Section 111(e) of the Clean Air Act (the Act), 42 U.S.C. § 7411(e). Specifically, Wolf has violated the New Source Performance Standards (NSPS) for Hot Mix Asphalt Facilities at 40 C.F.R. Part 60, Subpart I, as provided below. We are today issuing to you a Finding of Violation (FOV).

EPA has established the NSPS, which are nationally uniform emission standards for new stationary sources falling within particular industrial categories. Specifically, on March 8, 1974, EPA promulgated the NSPS for Asphalt Concrete Plants, which later became the NSPS for Hot Mix Asphalt Facilities. 39 Fed. Reg. 9314 (March 8, 1974). You have violated Section 60.92(a)(1) of this rule, which states that:

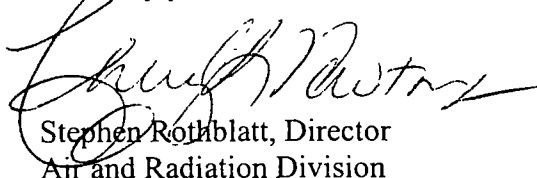
On and after the date on which the performance test required to be conducted by Section 60.8 is completed, no owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any affected facility any gases which contain particulate matter in excess of 0.04 grains per dry standard cubic foot.

EPA finds that Wolf has violated the above requirement. Section 113 of the Act gives us several enforcement options to resolve this violation, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action. The option we select, in part, depends on the efforts you have taken to correct the alleged violation and the timeframe in which you can demonstrate and maintain continuous compliance with requirement cited in the FOV.

Before we decide which enforcement option is appropriate, we are offering you the opportunity to request a conference with us about the violation alleged in the FOV. You should make the request within 10 calendar days following receipt of this letter. The conference will provide you a chance to present information on the identified violation, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Ray Cullen. You may call him at (312) 886-0538 if you wish to request a conference. EPA hopes that this FOV will encourage Wolf's compliance with the requirements of the Act.

Sincerely yours,



Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Daniel Schramm, Supervisor
Southeast Region Headquarters
Wisconsin Department of Natural Resources
2300 N. Dr. Martin Luther King Jr. Drive
Milwaukee, Wisconsin 53212

William Baumann, Chief-Compliance and Enforcement Section
Bureau of Air Management
Wisconsin Department of Natural Resources
101 S. Webster St.
P.O. Box 7921 (AM/7)
Madison, Wisconsin 53707

Protecting the environment is everyone's responsibility. Help EPA fight pollution by reporting possible harmful environmental activity. To do so, visit EPA's website at <http://www.epa.gov/compliance/complaints/index.html>.

United States Environmental Protection Agency
Region 5

IN THE MATTER OF:)	
)	
Wolf Paving Co., Inc.)	FINDING OF VIOLATION
Geneseo, Wisconsin)	EPA-5-08-WI-02
)	
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	
)	

FINDING OF VIOLATION

Wolf Paving Co., Inc (Wolf or you) owns and operates a batch, hot mix asphalt plant at Highway 18 and County Road C, Geneseo, Wisconsin (facility).

The U.S. Environmental Protection Agency (EPA) is sending this Finding of Violation (FOV) to notify you that it has found that Wolf's facility has emitted particulate matter (PM) in excess of the limit specified in the New Source Performance Standard (NSPS) for Hot Mix Asphalt Facilities at 40 C.F.R. Part 60, Subpart I. This constitutes a violation of Section 111(e) of the Clean Air Act (the Act), 42 U.S.C. § 7411(e).

Section 113 of the Act provides you with the opportunity to request a conference with EPA to discuss the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

Explanation of Violation

1. The NSPS for Hot Mix Asphalt Facilities, at 40 C.F.R. § 60.92(a)(1) prohibits the owner or operator of an affected facility to discharge or cause the discharge into the atmosphere any gases which contain PM in excess of 0.04 grains per dry standard cubic foot (gr/dscf) on and after the date on which the performance test required to be conducted under Section 60.8 is completed.
2. Wolf is required to conduct performance tests for PM emissions every 2 years per its operating permit. Synthetic Minor Permit No. 268168560-F01 became effective on November 12, 2003, and Synthetic Minor Permit No. 268168560-F02 became effective on January 4, 2007.

3. In response to a 114 Request, on April 30, 2007, Wolf submitted to EPA the results of all performance tests it had conducted at its facility since January 1, 2003.
4. During a performance test Wolf conducted on October 13, 2004, the average PM emission rate was 0.08 gr/dscf, which exceeds the NSPS limit by 100 percent.
5. During a performance test Wolf conducted on June 22, 2005, the average PM emission rate was 0.049 gr/dscf, which exceeds the NSPS limit by 22.5 percent.
6. Wolf did not demonstrate compliance with the NSPS limit until September 14, 2005.

Environmental Impact of Violation

7. Violation of the PM standards increases public exposure to PM. Particulate emissions contribute to respiratory problems, lung damage, and premature death.

Date

12/12/07

Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Finding of Violation, No. EPA-5-08-WI-02, by Certified Mail, Return Receipt Requested, to:

Sean Wolf, Vice President
Wolf Paving Co., Inc.
612 N. Sawyer Road
Oconomowoc, Wisconsin 53066

I also certify that I sent copies of the Finding of Violation by first class mail to:

Daniel Schramm, Supervisor
Southeast Region Headquarters
Wisconsin Department of Natural Resources
2300 N. Dr. Martin Luther King Jr. Drive
Milwaukee, Wisconsin 53212

William Baumann, Chief-Compliance and Enforcement Section
Bureau of Air Management
Wisconsin Department of Natural Resources
101 S. Webster St.
P.O. Box 7921 (AM/7)
Madison, Wisconsin 53707

on the 14th day of December, 2007.

Shanee Rucker
Shanee Rucker,
Administrative Program Assistant
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 1447 8904